

REMARKS

Reconsideration is again requested. The Examiner is thanked for the careful consideration given the present application, but the undersigned respectfully submits that the Examiner has misconstrued the teachings of the references, in particular, the Rohrbach reference.

The sole independent claim of the present application is claim 1. This claim specifies providing a maltose-containing product and adding to the product an amount of a dextrin effective to enhance the susceptibility of the maltose-containing product to be spray-dried.

The Rohrbach reference may not be used in connection with a rejection of the claims of the present application. Rohrbach is directed towards the production of high-sugar syrups, and the whole point of Rohrbach is to remove high molecular weight materials from a maltose-containing product. Rohrbach states as an object:

A further object of this invention is to provide a process for producing syrups which possess a high glucose or maltose content with little or no reversion products present in said syrups.

Column 2, lines 33-36. Rohrbach achieves this object by providing a maltose syrup and passing the maltose syrup through an ultrafiltration membrane to remove higher molecular materials. Indeed, Rohrbach takes advantage of the size difference between the maltose and the other saccharides to effect the separation:

As will hereinafter be shown in greater detail, there is a relatively large difference in size between the glucose or maltose molecules and the remaining oligosaccharides. This difference will permit the use of ultrafiltration membranes to readily separate the permeate from the retentate.

Column 4, lines 11-16.

The Office Action refers to Example III of Rohrbach, and specifically Rohrbach's teaching of a final product having 9.7% DP3 oligosaccharide and 0.2% of a DP9+ oligosaccharide. The Office Action asserts "hence, the total DP is 9.9%." Respectfully, this

assertion is completely erroneous, and in any case is irrelevant. The Office Action's assertion that the "total DP is 9.9%" has no meaning. DP, or degree of polymerization, is not expressed as a percentage. The 9.9% (adding 9.7%+ 0.2%) gives only the non-maltose carbohydrate contents.

Of course, in this example, Rohrbach is teaching that the initial maltose-containing syrup, which contains 50% maltose, is treated with an ultrafiltration membrane to remove materials other than maltose. Starting with the initial "effluent," which has 50.2% maltose (see, column 10, line 21), this material is treated to remove most higher molecular weight materials to result in a material comprising 90.1% maltose, 9.7% of a DP3 oligosaccharide, and only 0.2% of an oligosaccharide with a DP of 9 or greater. It is unclear whether any of the "DP9+" oligosaccharide has a degree of polymerization greater than 10; in any case, this material is present in an amount of only 0.2%.

Again, Rohrbach is not useful in conjunction with a Section 103 Rejection of the pending claims. Rohrbach's teachings to remove higher molecular weight material from a mixture of maltose are entirely antithetical to the teachings of the present invention, which, as claimed, specifies adding to a maltose-containing product an amount of a higher molecular weight dextrin. Because all of the claims of the present application are rejected over Rohrbach in combination with one or more other references the rejection fails for this reason alone.

The rejection becomes even more unsustainable, however, upon consideration of the other references applied to the claims. The Boskovic reference is not combinable with Rohrbach or any other reference. The Tang reference, as heretofore indicated, specifies a process for producing a substantially non-retrograding starch hydrozylate, and this is contrary to the use of ultrafiltration to remove retrograded amylose. The Kaper reference does not teach removable of retrograded amylose via ultrafiltration.

Nonetheless, none of these references can be combined with Rohrbach to form a rejection of the claimed invention. This is reversible error, and withdrawal of this rejection is respectfully requested.

Respectfully submitted,

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